

assembly at numerous and various times. Thus, the subject claim language unduly limits the invention.

Further, the subject claim language was not relied on in the prior filed response (Amendment A) to distinguish the present invention over the prior art. That is, the patentable distinction over the prior art is the "tracking and profiling member recording indications of physical activity by the user during viewing of the displayed requested agate information, said physical activity being with respect to the displayed requested agate information...such that said recorded indications of physical activity by the user generates a psychographic profile of the user." This remains recited in base Claim 1.

Restated, the timing of when the tracking and profiling member is responsive to the data assembly is not at issue for patentably distinguishing the present invention over the cited art, but rather the responsiveness of the tracking and profiling member to the physical activities of the user during viewing of the displayed requested agate information is. Such was argued at the penultimate paragraph on page 10 through page 11 of Amendment A filed on May 4, 1998.

It is believed that the foregoing amendment to Claim 1, i.e., removal of the claim language "upon display of the requested agate information" (at line 14 of Claim 1) does not change the scope or subject matter of the allowed claims. As such, Applicant believes that this amendment should not necessitate an additional search and should not involve materially added work on the part of the Patent and Trademark Office. Applicant proposes this amendment to ensure proper

disclosure and protection of the invention. Applicant therefore requests admission of Claim 1 as now amended.

Respectfully submitted,



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